REMARKS

By the present response, Applicant has submitted new claim 27 for consideration by the Examiner and asserts that this claim does not contain any prohibited new matter. Further, Applicant has amended claims 24-26 to further clarify the invention. Claims 1-27 are pending in this application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 1, 13, 15, 23 and 24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,029,065 (Shah). Claim 25 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,308,061 (Criss et al.) in view of Shah. Claims 2-7, 11, 12, 14 and 20-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah in view of Criss et al. Claims 8-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah in view of Criss et al. and further in view of U.S. Patent No. 5,210,751 (Onoe et al.). Claims 16-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah in view of Onoe et al.

35 U.S.C. § 102 Rejections

Claims 1, 13, 15, 23 and 24 have been rejected under 35 U.S.C. §102(e) as being anticipated by Shah. Applicant respectfully traverses these rejections.

Shah discloses remote feature code programming for mobile stations where a base station

of a wireless communication network determines what features a mobile station will support,

then downloads information to the mobile station which will notify the mobile station of which

network features are available and how they may be accessed in the local network. Specifically,

the base station provides the feature codes that are required to access the network features. The

base station may also inquire into what features the mobile station supports. Each of these

communications may take place over the combination of the paging channel/access channel,

collectively, the control channel, or the traffic channel.

Regarding claims 1, 15 and 23, Applicant submits that Shah does not disclose or suggest

the limitations in the combination of each of these claims. For example, the Examiner asserts

that Shah discloses communicating a request for a download operation from a base station

controller to a base station, at col. 4, lines 1-31 and col. 7, line 45 to col. 8, line 25. These

portions do not disclose or suggest <u>communicating a request from a base station controller for a</u>

<u>download operation</u>, as recited in the claims of the present application. Further, these portions

do not disclose or suggest the request coming from a base station controller to a base station.

Shah merely relates to a base station determining what features a mobile station will support <u>by</u>

<u>a request of the mobile user</u> and downloading the information to the mobile station.

Moreover, the Examiner asserts that Shah discloses resetting the at least one mobile

station using the stored information, at col. 8, line 59 to col. 9, line 27 and col. 7, line 45 to col.

8, line 24. However, these portions merely disclose that the base station waits for confirmation from the mobile station that the mobile user is going to pay for use of a feature before downloading the feature code, and that an appropriate header or data field needs to be provided to designate as relating to feature code updating, that new feature code information may be automatically transmitted from the base station along with the mobile station registration message, that a network feature for which a subscription fee is charged must be provisioned, when initially subscribed to, when the mobile user wishes to utilize the feature outside of his or her home network, and that a network has means for determining a mobile phone is OTAPA capable, and details on the OTAPA procedure. This is not <u>resetting a mobile station using the stored information</u>, as recited in the claims of the present application. Shah merely relates to feature codes in a network and downloading the feature codes to a mobile station such that the mobile station may utilize the features. <u>Updating these feature codes is not resetting</u> at least one mobile station as recited in the claims of the present application. Feature codes relate to a list of features (see, col. 1, lines 17-22) that a mobile station will support. These features may be updated according to Shah as the mobile station moves to a different network. This is not <u>resetting at least one mobile station</u> as recited in the claims of the present application or the resetting occurring <u>using the stored information downloaded through a paging channel</u>.

Moreover, Shah does not disclose or suggest communicating data messages <u>from a common terminal to all of the distributed terminals simultaneously through a paging channel</u>, as

recited in the claims of the present application. Shah as has been noted previously, is directed to

a base station identifying features supported by a mobile station and downloading feature codes

related to these features to the mobile station. Shah does not disclose or suggest a common

terminal communicating data messages to all of distributed terminals through a paging channel.

In addition, Shah does not disclose or suggest downloading program data in the wireless

system from the base station to the mobile station using the paging channel and controlling the

mobile station by the downloaded program data. The downloading of feature codes to the

mobiles station as disclosed in Shah is not program data that is used to control the mobile

station. The downloading of the feature codes to the mobile station merely allows the mobile

station to access certain network features.

Regarding claims 13 and 24, Applicant submits that these claims are dependent on one of

independent claims 1 and 23 and, therefore, are patentable at least for the same reasons noted

regarding these independent claims.

Accordingly, Applicant submits that Shah does not disclose or suggest the limitations in

the combination of each of claims 1, 13, 15, 23 and 24 of the present application. Applicant

respectfully requests that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. § 103 Rejections

Claim 25 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Criss et

al. in view of Shah. Applicant has discussed the deficiencies of Criss et al. in Applicant's

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previously-filed response and reasserts all arguments submitted in that response. Applicant respectfully traverses this rejection and provides the following additional remarks.

Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of this claim of, *inter alia*, transmission means for transmitting the queued broadcasting, reception, and downloading messages through a paging channel of a wireless system to at least one wireless subscriber unit, the broadcasting message and the downloading message comprising program data that controls at least one said wireless subscriber unit. As noted previously, Shah does not disclose or suggest downloading program data that controls at least one wireless subscriber unit. Further, Criss et al. does not disclose or suggest these limitations in the claims of the present application.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 25 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Regarding new claim 27, Applicant submits that this claim is dependent on independent claim 25 and, therefore, is patentable at least for the same reasons noted regarding this independent claim.

Claims 2-7, 11, 12, 14 and 20-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah in view of Criss et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of independent claims 1 and 15 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Criss et al. does not overcome the substantial defects noted previously regarding Shah. For example, the cited references fail to disclose, suggest or teach communicating a downloading start message to a plurality of mobile stations through the paging channel at the same time.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 2-7, 11, 12, 14 and 20-22 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 8 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah in view of Criss et al. and further in view of Onoe et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claims. Applicant submits that neither Criss et al. nor Onoe et al. overcome the substantial defects noted previously regarding Shaw.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 8-10 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 16-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah in view of Onoe et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on independent claim 15 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

In addition, regarding all the rejections above, the cited references relate to a reverse link operated by a mobile station. In contrast, embodiments according to this invention relate to a forward link operated by a base station subsystem. (See, paragraph 3, lines 15-53 of Shah).

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 16-19 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that claims 1-27 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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